

**UNPUBLISHED**

**UNITED STATES COURT OF APPEALS**

**FOR THE FOURTH CIRCUIT**

UNITED STATES OF AMERICA,  
Plaintiff-Appellee.

v.

No. 97-6705

KEITH ERIC LONG,  
Defendant-Appellant.

UNITED STATES OF AMERICA,  
Plaintiff-Appellee.

v.

No. 97-6706

KEITH ERIC LONG,  
Defendant-Appellant.

Appeals from the United States District Court  
for the Northern District of West Virginia, at Clarksburg.  
Frederick P. Stamp, Jr., Chief District Judge;  
William M. Kidd, Senior District Judge.  
(CR-94-38, CA-97-90-1, CR-94-10081, CA-97-81-1)

Submitted: August 4, 1998

Decided: August 25, 1998

Before ERVIN and HAMILTON, Circuit Judges, and  
HALL, Senior Circuit Judge.

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Vacated and remanded by unpublished per curiam opinion.

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## **COUNSEL**

Keith Eric Long, Appellant Pro Se. Samuel Gerald Nazzaro, Jr.,  
Assistant United States Attorney, Wheeling, West Virginia, for  
Appellee.

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Unpublished opinions are not binding precedent in this circuit. See  
Local Rule 36(c).

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## **OPINION**

### **PER CURIAM:**

Appellant appeals from a district court order that concluded his motion filed under 28 U.S.C.A. § 2255 (West 1994 & Supp. 1998) was barred by the one-year limitations period of 28 U.S.C.A. § 2255 (West Supp. 1998). Appellant's conviction became final on April 25, 1995, and he filed his habeas motion on April 23, 1997. Appellant had until April 23, 1997 to file his § 2255 motion. See Brown v. Angelone, \_\_\_ F.3d \_\_\_, 1998 WL 389030 (4th Cir. July 14, 1998) (Nos. 96-7173, 96-7208). Therefore, his motion was not time barred. For these reasons, we grant a certificate of appealability on this issue, vacate the district court's order, and remand for further proceedings. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

### **VACATED AND REMANDED**